

REMARKS

In the present Response, claims 1-3 and 31-45 remain pending in the same condition as set forth in Applicants Amendment filed on January 12, 2004.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-3 and 31-45 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,477,577, issued to Asano (hereinafter *Asano*) and U.S. Pat. No. 5,892,903, issued to Klaus (hereinafter *Klaus*). The grounds supporting the foregoing rejections in the presently responded to Office Action are largely the same as the grounds used for rejecting claims 1-3 and 31-45 in the previous Office Action dated April 2, 2004, and Applicants traverse the foregoing rejections for largely the same reasons set forth in Applicants' Response to Final dated April 15, 2004 and Appeal Brief dated August 10, 2004 as explained below.

The presently responded to Office Action repeats the assertion (from the Final Office Action dated April 2, 2004) that *Asano* discloses a method for setting a type of service (TOS) field in an Internet Protocol (IP) datagram. However, a thorough analysis of *Asano*'s text disclose and figures reveals that nowhere does *Asano* disclose any method relating to setting a TOS field in an IP datagram. The passage cited in the Office Action at col. 6, lines 39-48 of *Asano* does not disclose any method or design for setting a TOS field in an IP datagram. *Asano*'s disclosure at col. 9, lines 32-44 clearly relates to host-specific IP addressing and not to the Application Level protocol TOS categorization (e.g. HTTP versus FTP categorization). In fact, *Asano* contains no description or disclosure of any kind relating to techniques for setting TOS fields of IP datagrams.

Again repeating a position asserted in the Final Office Action dated April 2, the present action asserts that at col. 6, lines 58-76 *Asano* discloses determining whether or not said IP datagram is a socks connect message. In fact, and as previously repeatedly pointed out by Applicants in the former responses and appeal brief, no such determination of the character of a particular IP datagram as being a socks connect message is disclosed in this passage or anywhere in the *Asano* reference. Instead the passage at col. 6, lines 58-67 describes use of a socks server record to contain connection substitute server information when the connection substitute server is a socks server. Applicants have diligently addressed this point in at least three different

response documents and have thus provided the Examiner with a fair opportunity to respond. Applicants respectfully urge the Examiner to address the Applicants' stated position regarding this point to fairly enable the Applicant to respond if the Examiner disagrees with Applicants' stated position.

Regarding the steps performed responsive to a determination that the IP datagram is an IP datagram, the Office Action attempts to analogize the processing of socks IP datagrams as set forth in Applicants' claims 1, 34, and 40 to IP host address processing disclosed by *Klaus*. Specifically, and as explained on pages 3 and 4 of the Office Action, it is asserted that one of ordinary skill in the art would interpret the protocol stack at the application level protocol that provides communication for socks connect messages between the origination address and destination address. First, and while conceding that recognizing a sock connect message per se is known, Applicants point out that since neither *Asano* nor *Klaus* disclose a step of determining whether or not an IP datagram is a socks connect message, the absence of any discussion in *Asano* or *Klaus* of any such determination is logically indicative of the consequent absence of any disclosure by *Asano* or *Klaus* of any steps whatsoever performed in response to such a determination. Therefore, Applicants assert that *Klaus* does not disclose or suggest steps of:

"in response to a determination that said IP datagram is a socks connect message,  
determining from said IP datagram an Application Level protocol (ALP)  
transported by a socks connection;  
locating from a type of service (TOS) definition table a record corresponding to  
said ALP of said IP datagram; and  
determining from said located record a TOS value; and  
subsequently writing said determined TOS value into said TOS field of said IP datagram,  
wherein said TOS value is based on said ALP transported by said socks connection."  
Furthermore, none of the actions described at col. 9, lines 32-44 or anywhere else in *Asano* are precipitated by a determination of whether or not a particular IP datagram is a socks connect message.

### CONCLUSION

Since neither *Asano* nor *Klaus*, either individually or in combination disclose or suggest a method for setting a value within a type of service field in an IP datagram that includes a step of determining whether or not the datagram is a sock connect message and subsequently processing the datagram in a particular manner in which the value of the TOS field is correlated with the

application level protocol, it follows that the rejections under U.S.C. § 103(a) are not well-founded and should be withdrawn. Applicants have diligently responded to the grounds rejection by particularly pointing out how the present claims are patentably distinct from the prior art of record and a Notice of Allowance is respectfully requested.

In the interest of expediting prosecution of the present application, Applicants urgently invite the Examiner to contact the undersigned attorney to discuss the disposition of the presently pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0457**.

Respectfully submitted,



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